

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANTHONY G. FRANICH,

Plaintiff,

-against-

KEITH SMITH *as Administrator of the Estate of*
ISAIAH E. BYARS and EAN HOLDINGS, LLC,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 2/9/2022

No. 20 CIV 6130 (NSR)

ORDER

NELSON S. ROMÁN, United States District Judge:

On January 6, 2022, the Court issued an Order to Show Cause why this case should not be dismissed for want of prosecution pursuant to Federal Rule of Civil Procedure 41(b). (ECF No. 34.) By a detailed attorney affidavit dated February 4, 2022, Plaintiff informed the Court that the parties have been diligently engaging in extensive discovery. (*See* ECF No. 36.) Accordingly, the Court denies the Order to Show Cause as moot.

Along with Plaintiff's submission was the parties' proposed Case Management Plan and Scheduling Order. (ECF No. 36-1.) The Court has approved of the Scheduling Order (ECF No. 37) and issued an Order of Reference to Magistrate Judge Andrew E. Krause (ECF No. 38) for the action to move forward.

Dated: February 9, 2022
White Plains, New York

SO ORDERED:



NELSON S. ROMÁN
United States District Judge